

Electronically Filed April 27, 2023

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**AMENDED EX PARTE APPLICATION
FOR ORDER SHORTENING TIME
FOR HEARING ON DEBTOR'S
APPLICATION FOR ORDER
AUTHORIZING RETENTION AND
EMPLOYMENT OF BAKER &
HOSTETLER LLP AS REGULATORY
COUNSEL TO DEBTOR**

Hearing Date: N/A

Hearing Time: N/A

Cash Cloud, Inc. d/b/a Coin Cloud ("Cash Cloud," or "Debtor"), debtor and debtor-in-possession in the above-captioned Chapter 11 case (the "Chapter 11 Case"), by and through its undersigned counsel, Fox Rothschild LLP, hereby files this *Amended Ex Parte Application For Order Shortening Time For Hearing* (the "Amended Application") on Debtor's *Application for Order Authorizing Retention and Employment of Baker & Hostetler LLP as Regulatory Counsel to*

Debtor (the “Motion”).¹ This Application is made and based upon the following points and authorities, the *Declaration of Brett A. Axelrod* (the “Axelrod Declaration”) in support hereof and attached as **Exhibit A** hereto, the Attorney Information Sheet filed concurrently herewith, and the pleadings and papers on file in the above-captioned chapter 11 case, judicial notice of which is respectfully requested.

WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court hear the Motion on an order shortening time, and grant such other and further relief as may be just and proper.

Dated this 27th day of April, 2023.

FOX ROTHSCHILD LLP

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¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

1 **POINTS AND AUTHORITIES**

2 **I.**

3 Debtor, by this Amended Application, pursuant to Bankruptcy Rule 9006 and Rule 9006 of
4 the Local Bankruptcy Rules for the United States Bankruptcy Court, District of Nevada (the “Local
5 Rules”), seeks an order shortening time for notice and hearing for the Motion.

6 **The Relief is Authorized by Rule 9006 and Meets Due Process Requirements.**

7 Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and
8 a party to file an *ex parte* motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1)
9 provides in relevant part:

10 In General. Except as provided in paragraph (2) of this subdivision,
11 when an act is required or allowed to be done at or within a specified
12 time by these rules or by a notice given thereunder or by order of court,
the court for cause shown may in its discretion with or without motion
or notice order the period reduced.

13 Fed. R. Bankr. P. 9006(c)(1).

14 Courts have generally acknowledged that such expedited relief does not violate due process
15 rights, *even if the motion to shorten time is made ex parte*. “Bankruptcy Rule 9006(c) permits the
16 bankruptcy court ‘for cause shown’ in its discretion, with or without motion or notice, to reduce the
17 notice period, and ex parte motions for material reductions in the notice period are routinely granted
18 by bankruptcy courts.” Hester v. NCNB Texas Nat’l Bank (In re Hester), 899 F.2d 361, 364 n. 3
19 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019 rev.); In re Gledhill, 76
20 F.3d 1070 (10th Cir. 1996).

21 Cause exists for the Court to shorten time on the Motion. The State of Florida Office of
22 Financial Regulation (“OFR”) issued an Emergency Suspension Order on April 17, 2023, that may
23 result in a suspension of the Debtor’s Florida state money transmitter license if Debtor does not take
24 immediate action and engage with the OFR to resolve the matter before the response date of **May 8,**
25 **2023.** The OFR Emergency Suspension Order relates to the Debtor’s alleged failure to meet certain
26 net worth requirements required by the state. Accordingly, the Debtor requires counsel to assist in
27 negotiating a resolution with the OFR that will allow the Debtor to continue operating its business in
28 the state of Florida during the restructuring proceedings. Additionally, other states have similar net

worth requirements under their money transmitter license regimes and accordingly, Debtor may soon require counsel to represent Debtor in similar discussions with other states. Therefore, Debtor requires a hearing on the Motion prior to May 8, so that Debtor's proposed regulator counsel can provide a response to the OFR.

Copies of the Motion and their related pleadings shall be served on (a) the Office of the United States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) counsel to the DIP Lender; (e) Debtor's secured creditors and (f) the parties that have filed requests for special notice in the Chapter 11 Case.

Counsel Has Conferred With the Notice Parties.

Prior to filing this Motion, and pursuant to Local Rule 9006, Counsel consulted the parties as shown on the Attorney Information Sheet For Proposed Order Shortening Time, filed concurrently herewith and incorporated by reference herein.

II.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court hear the Motion on a date that is prior to May 8, 2023, and grant such other and further relief as may be just and proper.

Dated this 27th day of April, 2023.

FOX ROTHSCHILD LLP

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EXHIBIT A

DECLARATION AFFIRMING REQUESTED RELIEF

I, Brett A. Axelrod, declare under penalty of perjury that: I am competent to make this declaration under the laws of the United States and the State of Nevada; I have read the above Application for an Order Shortening Time; and the facts stated therein are true and correct to the best of my knowledge, information and belief.

DATED this 27th day of April 2023.

By /s/Brett A. Axelrod
BRETT A. AXELROD